Cochin Free Compulsory Primary Education Bill.

President.—The first Bill stands in the name of Mr. K. T. Mathew.

As the Member was absent, the motion to introduce the Bill was considered withdrawn.

Cochin Thiyya Bill.

President.—The next Bill stands in the name of Mr. K. Ayyappan. He will introduce his Cochin Thiyya Bill.

Mr. K. Ayyappan.—I move that the Cochin Thiyya Bill be read in Council.

Mr. C. J. Mathew.—I second it.

Mr. A. Sankara Menon.—May I say one word in regard to that? It is a Bill affecting a vast community of the land. And all the members of the community are not going to be affected by this measure. They are governed by different rules, so far as the northern and southern parts are concerned. I, therefore, think that it will be proper to know the sense of the community before the Bill is taken up by this Council. Therefore, I would request for the postponement of this Bill to ascertain the views of the community in general on this particular Bill. I would like to know whether the Hon'ble Member has any objection to have the sense of the community ascertained before the Bill is introduced for the consideration of this House.

President.—What is your position? Have you ascertained the views of the community whom the Bill is going to affect? Had you any opportunity of knowing it?

Mr. K. P. Kannan Nayar.—It is only after the introduction of the Bill that it will be published in the Government Gazette.

President.—It is always a practice in British Legislative Councils to have a motion for circulation in such cases. But we have not got it in our Standing Orders. But in the amendments to our Standing Orders we are considering it. It is always safe. For instance, in a Bill that was introduced by Mr. V. D. Ouseph and in the case of Mr. Kannan Nayar's Child Marriage Restraint Bill, the Government have come to the conclusion that these are measures in which the sense of the community has to be ascertained. It will not be proper on the part of the Government to take a neutral attitude in such cases. The Government has also got a responsibility to see how the wishes of the people are and then assume an attitude. So, if these Bills were to come, similarly I would remind you about the postponement for obtaining the sense of the community. Unfortunately those

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Bills are not coming to this Council. The Government think that it is a measure in which public opinion and the sense of the community are absolutely necessary. Then Government might arrive at some conclusion and thus fix its attitude. But there is the question whether a Select Committee will not do all these sorts of things. That is a quite different matter. The Select Committee works up the details. The principle of the measure has been excluded when the motion is carried by the House. Here it is a question whether these people should be governed by the provisions of the amending Bill. It is that point. Of course, if the Member is not agreeable to that course, I suppose that the Government would like to take the sense of the Council on that matter.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—എങ്ങിനെ സമുദായത്തിന്റെ അഭിപ്രായം അറിയും ഗവണ്മെണ്ടിൽനിന്നു?

President.— By enquiry.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.— ഇതുവരെയും പറഞ്ഞിട്ടും ഒന്നും ചെയ്കകാണാഞ്ഞിട്ടാണ് ഈ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളതു്. സിലക്ട് കമ്മിറ്റി ഓരോ സ്ഥലത്തും എൻകയറി നടത്തിയാൽ പോരെ?

പ്രസിഡെണ്ടു.—അവർ എൻകയറി നടത്തിയിട്ടു മാറ്റണമൊ വേണ്ടയൊ എന്നു തീർച്ചയാക്കണം.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.— ന്യായത്തിന്റെ മുനയിൽനിന്നു സംസാരിക്കയാണെങ്കിൽ പലതും പറയാം. എന്നാൽ വാസ്തവത്തിൽ വലിയ ബുദ്ധിമുട്ടൊന്നുമുണ്ടാകുമെന്നു തോന്നുന്നില്ല. ഈ ബില്ലിനെപ്പറ്റി അതുദ്ദേശിച്ചിരിക്കുന്ന സമുദായവിഭാഗത്തിനു അക്ഷേപമുണ്ടാവില്ലെന്നു എല്ലാവർക്കും അറിയാവുന്നതാണ്. ലാ മെമ്പർക്കുതന്നെ അതറിയാം. മരുമക്കത്തായം അനുസരിക്കുന്ന കൊച്ചികണയന്നൂർ താലൂക്കിൽ പെട്ട തീയസമുദായത്തെ മാത്രമേ ഈ ബിൽ ഉദ്ദേശിച്ചിട്ടുള്ളു. അവരുടെ ഇടയിൽ നടപ്പില്ലുള്ള സമ്പ്രദായം ന്യായമാക്കുന്നതരണമെന്നാണ് പറയുന്നതു്. ബിൽ താമസിപ്പിച്ചിട്ടു പ്രയോജനമൊന്നുമുണ്ടെന്നു തോന്നുന്നില്ല.

Mr. A. B. Salem.—May I know, on a point of information, Sir, whether, under section 12, sanction of the Diwan was given? Sanction must have been applied for for this Bill, because, under section 12, anything affecting religion or religious rights and usages of any class of the subjects should not be introduced. Any Bill of that nature must have the previous sanction of the Diwan, and if that sanction has been applied for and obtained and leave for introduction was also given, then I do not know why such a proposal is brought forward. The Government had plenty of time.

President.—With regard to leave for introduction, it is a matter of convention.

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Mr. A. B. Salem.—I am saying that it could not have come here without having taken the sanction from the Diwan under section 12 of the Regulation, and it has come here and leave for introduction has also been given.

President.—Sanction of the Diwan has not been applied for.

Mr. T. M. Krishna Menon.—It is only necessary if it affects religion or religious practices. This is not of such a kind.

Mr. A. B. Salem.—Of course it is a matter to be considered whether a Member would introduce a Bill before ascertaining the views of the people. He is a Member representing an Ezhuva constituency, and it must be presumed that, whatever he does, he does on behalf of the constituency. It is open to the Council to presume that he is introducing something with their consent. If it is something behind their consent, it is for them to raise objection to it. At least the agenda was published. What reason has the Government to think that he has not got the consent of the members of the community? He himself is not a Member representing a general constituency. He is a Member representing a special constituency of which the Thiyyas form part. Therefore, whenever a Member of that description brings a Bill, the presumption is that it is wanted by his constituency and by his community.

President.—I don't know whether the Member wants any defence at your hands.

Mr. A. B. Salem.—I am not defending the Member, but I am attacking the position of the Government. Am I not entitled to express my opinion upon that matter? Otherwise, I need not sit here.

Mr. A. Sankara Menon.—May I say a word, Sir? Now this Bill, as the Hon'ble Member has it, affects only one section of the community of the Cochin-Kanayannur Taluk. And that section is now governed by the *Marumakkathayam* law. The object of this Bill is to make the *Makkathayam* law applicable to them, and there are other matters also dealt with by this Bill. Under these circumstances, I put the question whether it is not desirable to have a law governing the whole community—both the southern and the northern Ezhuvas. Why should there be partial legislation so far as one community is concerned? That is one point to be considered. The next point is, is it not better to have some commission or enquiry for ascertaining the sense of the community to see whether they are for a change of the law by which they are governed now. These two things can be made clear, if the views of the community are ascertained.

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Mr. C. A. Kunjunni Raja.—I had given notice of a Bill covering the whole community. But unfortunately it was returned on the ground that it requires sanction of the Diwan.

Mr. V. V. Anantapadmanabha Ayyar.—In Travancore there is an Ezhuva Regulation.

President.—Do they follow *Makkathayam* law or *Marumakkathayam* law?

Mr. V. V. Anantapadmanabha Ayyar.—The Bill is made applicable to *Marumakkathayam* Ezhuvas. Just like the Nayar Regulation they recognise the *Marumakkathayam* law. There was not much difficulty in passing the Travancore Ezhuva Regulation, because the Nayar Regulation had preceded it.

President.—Even for this there was a committee of enquiry, and they conducted some preliminary enquiries. I remember to have read it in the Travancore Gazette. I think there is a *Misra-makkathayam* law or so.

Mr. V. V. Anantapadmanabha Ayyar.—The Bill is applicable only to *Makkathayam* Ezhuvas.

President.—There is a motion for postponement. We shall discuss that. Any Member wishing to speak on it? There is a motion for postponement under Standing Order 26.

Mr. T. K. Krishna Menon.—I second it.

Mr. A. B. Salem.—May I know whether the postponement is required definitely, for a particular period or *sine die*?

President.—That is not so. No *sine die* adjournment. We want to conduct an enquiry, the object of which is to ascertain the views of the community. In the Madras and other Legislative Councils they send such Bills for circulation.

Mr. A. B. Salem.—Of course the motion is perfectly in order. We have not got the circulation system under our Standing Orders.

President.—There is this difficulty. So we resort to these measures. I think there is a responsibility on the part of the Government to ascertain the views of the communityin order that we may come to a decision. So this was attempted to be done. Just like the Nayar Regulation they may go out, and witnesses may be examined.

Mr. A. B. Salem.—Not that, Sir. Suppose it is an adjournment under the present motion, it may come at the next meeting certainly.

President.—We may appoint a committee. They will go out and examine witnesses and submit a report. Then the Government would be able to know the considered opinion of the community at large. If there is no opposition, it is only well and good. The Government would at once say that they are for

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it. But if there is opposition, then these things must be considered. We shall take the sense of the Council.

The question before the House is that the consideration of the Cochin Thiyya Bill be postphoned.

Question put and negatived.

President.—If you have got anything to say with regard to this Bill, you may say that.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—ഇതിന്റെ ഒബ്ജക്ട്സ് ആൻഡ് റീസൺസിൽ പറഞ്ഞിട്ടുള്ളതിൽ കൂടുതലായി ഒന്നും എനിക്കിപ്പോൾ പറയുവാനില്ല. വേറെ ഒരു സംഗതിയുള്ളതു ചീഫ് കോട്ട് ഡിസിഷൻ വന്നതിനുശേഷം മക്കത്തായത്തിനു നിയമനിർമ്മാണത്തിന്റെ ആവശ്യമുണ്ടോ എന്നതാണ്. അവരെ കൂടി ബില്ലിൽ ഉൾപ്പെടുത്താൻ വേണ്ട കാരണങ്ങൾ സിലക്ട് കമ്മിറ്റി സ്റ്റേജിൽ ചെയ്യാവുന്നതാണ്.

President.—The question before the House is that the Cochin Thiyya Bill moved by Mr. K. Ayyappan be read in Council.

Question put and agreed to.

Secretary to the Council.—The title of the Bill is "The Cochin Thiyya Bill."

Mr. K. Ayyappan.—Sir, I beg to move that the Bill be referred to a Select Committee consisting of Messrs. M. K. Raman, V. D. Ouseph, K. P. Kannan Nayar, C. J. Mathew, K. Mohamed Seethi, A. B. Salem, P. C. Chanchan and the Lady Member.

Mr. Thomas Manjuran.—I second this motion.

President.—The question before the House is that the Cochin Thiyya Bill be referred to a Select Committee consisting of the following Members:—Messrs. M. K. Raman, V. D. Ouseph, K. P. Kannan Nayar, C. J. Mathew, K. Mohamed Seethi, A. B. Salem and P. C. Chanchan, Mrs. G. Pavitran, Mr. K. Ayyappan and the Law Member.

Question put and agreed to.

President.—I nominate the Law Member as Chairman of the Committee.

Mr. K. Ayyappan.—I move that the report of the Select Committe be submitted in six months.

Mr. A. B. Salem.—I second it.

Question put and agreed to.

Resolutions on Matters of General Public Interest.

1. Local Option Bill.

President.—We shall now begin resolutions. The first

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